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C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 000239

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [MARR](#) [EAIR](#) [RS](#) [AF](#)  
SUBJECT: AFGHAN TRANSIT: GOR STILL DEMANDS ICAO STANDARDS  
FOR CIVILIAN CHARTER FLIGHTS

REF: 09 MOSCOW 3120

Classified By: Ambassador John R. Beyrle. Reasons 1.4 (b) and (d).

¶1. (C) Summary: EmbOffs met with GOR officials to discuss how to implement more effectively the U.S.-Russia Afghan Air Transit Agreement, especially the use of ICAO standards for shipping hazardous cargo on civilian charter flights contracted by the U.S. military. The GOR confirmed there are no problems with military flights carrying hazardous materials, or with civilian charter flights carrying nonhazardous material. The GOR said that they required proof that civilian charter flights were carrying hazardous materials in accordance with ICAO or equivalent standards. The GOR agreed to consider extending the validity of clearance requests from 24 to 72 hours in case of force majeure situations, and will explore ways to accept flight requests via electronic mail. End Summary.

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GOR Urged to Jump Onto the DOT Letter Bandwagon  
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¶2. (C) On January 27 EmbOffs met with a GOR interagency team led by MFA North America Deputy Director Nikolay Sofinskiy to review outstanding issues related to the implementation of the Afghan transit agreement, particularly the use of the International Convention on Civil Aviation (the "Chicago Convention," or ICAO) standards for shipping hazardous cargo on civilian charter flights. PolOff pointed out that the handling and packaging of all hazardous material for civilian charter flights followed the same standards for military flights; the only difference between the two types of flights was the color of the aircraft. PolOff said military personnel supervise the packing, handling, and loading of the aircraft.

¶3. (C) PolOff said a Department of Transportation (DOT) letter provided to the GOR on December 28, 2009, should satisfy the Russian request submitted on December 4, 2009, for a USG letter that that would serve as a waiver for civilian flights that carry hazardous materials in contravention of ICAO standards. He said this letter was consistent with ICAO Annex 18, and is used by civilian commercial charter flights when they are in U.S. airspace fulfilling military missions, including to Afghanistan. He pointed out that other countries and EUROCONTROL have accepted this letter as verification that the cargo is being handled in a safe manner. He posited that China and India have similar reporting requirements for civilian charter aircraft shipping military cargo, using the UN code system. PolOff urged the GOR to accept the DOT letter as well.

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Hazardous Materials on Civilian Charter Flights a Problem  
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14. (C) Head Specialist-Expert of the Aviation Transit Section of Rosaviatsya's Department of Air Transit Dmitriy Mirko said he believed PolOff's assertion that civilian charter flights were conducted in a safe manner if they were not carrying hazardous materials. He also accepted the U.S. argument that safety standards in Air Force Manual (AFMAN) 24-204 conform to ICAO safety standards (reftel). Mirko stated that the GOR's position, however, was that it needed to see proof that civilian charter flights were adhering to international safety standards when flying hazardous cargo over Russia. He pointed out that the DOT letter did not mention ICAO standards at all, but rather referred to U.S. laws. He also pointed out that paragraph 8(g) of the DOT letter stated the DOT could not grant authority to use airspace outside the United States. Head of International Cooperation at RosAviatsya Mikhail Parniev stated that one possible option for civilian charter flights carrying hazardous cargo that exceeded the requirements of the ICAO Technical Standards for Dangerous Goods was to follow the Supplement for that document used for State Flights (ICAO Doc 9284SU).

15. (C) Parniev added the GOR had no problem with military aircraft following AFMAN 24-204 standards while transporting hazardous cargo, although in some instances AFMAN 24-204 permitted cargo to be shipped in larger amounts than ICAO standards allowed. For example, AFMAN 24-204 allowed a

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vehicle to be shipped with its gas tank half full, while under ICAO standards the gas tank can be no more than one-quarter full. He also pointed out that AFMAN 24-204 permitted the shipment of some items that were completely prohibited under ICAO standards. Parniev argued that in some cases AFMAN 24-204 was a laxer standard than ICAO. Civilian flights, he said, need to follow civilian rules. Mirko added that if the U.S. could submit equivalent UN codes for packing instructions on its flight requests for civilian charter flights carrying hazardous materials, then this would solve the problem.

16. (C) PolOff pushed back, asserting that U.S. laws referenced in the DOT letter were based on ICAO standards. The DOT letter was therefore proof that the USG was adhering to international law and standards of safety. PolOff said the U.S. side would check to see if it was possible to reference UN codes on flight requests. He added it was logical that the USG could not issue waivers for other countries' airspace. FAA Rep added that ICAO Annex 18 provided for exemptions to the rules as long as an equivalent level of safety is maintained, as the DOT letter asserted was the case.

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Clearance Validity and Electronic Mail  
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17. (C) GOR officials said they would consider extending the validity of flight clearances from 24 to 72 hours to accommodate force majeure circumstances if the information on the flight request regarding cargo and crew remained the same. They also said they would see what they could do to receive U.S. flight clearance requests via electronic mail. Beyrle